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Dmr
62-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: MATTINGLY ET AL
SERIAL NO: 10/074,700
FILED: 2/13/02

§ EXAMINER: TATE, C
§ GROUP ART UNIT: 1654
§ DOCKET: 97012/07CIP
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FOR: FORMULATIONS AND METHODS
FOR INSECT CONTROL

EV 328 518 663 US Number	CERTIFICATE OF MAIL BY EXPRESS MAIL	May 20, 2003 Date of Deposit
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Commissioner of Patent MS MISSING PARTS P.O. Box 1450 Alexandria, VA 22313-1450		
Robert W. Strozier		May 20, 2003 Date of Signature

RESPONSE TO 23 APRIL 2003 ELECTION/RESTRICTIONS

Dear Examiner:

In response to the Election/Restrictions Requirement dated **23 April 2003**, Applicants elect Group II claims (23-34) with traverse.

Applicant does not believe that the restriction requirement is need. The method claims are based on the use of the compositions of claims 23-34. Thus, the Examiner would be required to perform the same search regardless of whether the search was directed to the composition or the method. Therefore, examination of both the method and composition claims would expedite the disposition of this application. If the Examiner withdraws the restriction requirement, Applicants would elect *Rhodobacter* as the bacteria genera.

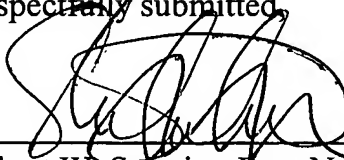
If the Examiner maintains the Election/Restriction Requirement, then Applicants agree to withdraw Group I claims (1-22) of during the prosecution of this application, while expressly reserving the right to file divisional applications directed to the subject matter of the Group I claims.

Applicants are also submitting an information disclosure statement and a preliminary amendment with this response.

If it would be of assistance in resolving any issues in this application, the Examiner is kindly invited to contact applicant's attorney Robert W. Strozier at 713.977.7000

Date: **May 20, 2003**

Respectfully submitted,



Robert W. Strozier, Reg. No. 34,024